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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,641	10/17/2005	Toshikatsu Tanaka	JCLA16628	8268
7590	12/19/2008		EXAMINER	
J C Patents Inc 4 Venture Suite 250 Irvine, CA 92618			BOLDEN, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	
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			DELIVERY MODE	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/531,641	TANAKA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ELIZABETH A. BOLDEN	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 October 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 6-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/15/05, 10/7/08, 10/27/08</u>	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group II, claims 6-16, in the reply filed on 26 October 2008 is acknowledged.

Claims 1-5 have been canceled.

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

The IDSs submitted 15 April 2005, 7 October 2008, and 27 October 2008 have been considered by the Examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al., U.S. Patent 5,407,872.

Komori et al. teach a glass having overlapping ranges of components as listed in claim 6. See Abstract, column 5, lines 3-35. Komori et al teach that the glass fiber can be used as reinforcement in plastics. See column 1, lines 14-17. Komori et al. teach numerous non limiting types of resins that the glass fiber can be coated with such that the fiber is used as a reinforcing agent in the plastic. See column 5, line 53 to column 7, line 8. Komori et al. teach that the reinforcement fiber can be in the forms of filaments, mats, or cloths as recited in instant claim 10.

Komori et al. fail to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional limitations of claim 6. However, overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish *prima facie* obviousness. See MPEP 2144.05.

Claims 6-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Brandstrom, U.S. Patent Application Publication 2002/0056508 in view of Komori et al., U.S. Patent 5,407,872.

Brandstrom teaches a fiber reinforced material which comprises glass fiber reinforced plastic (FRP) in the shapes of rods, mats, fabric, and tubes as recited in claims 7-10 and 12. See Abstract and paragraphs [0001]-[0004], [0078], and [0085]. Brandstrom teaches that the FRP can be used to reinforce and repair materials such as concrete. See paragraph [0004]. Brandstrom teaches that the FRP can be made using glass fibers and a variety of resins and thermosetting resins as referred to in claims 7, 8, and 16. See paragraphs [0078]-[0082]

Brandstrom does not give a specific composition for the glass fibers used in the FRP products.

Komori et al. teach a glass having overlapping ranges of components as listed in claim 6. See Abstract, column 5, lines 3-35. Komori et al teach that the glass fiber can be used as reinforcement in plastics. See column 1, lines 14-17. Komori et al. teach numerous no limiting types of resins that the glass fiber can be coated with such that the fiber is used as a reinforcing agent in the plastic. See column 5, line 53 to column 7, line 8. Komori et al. teach that the reinforcement fiber can be in the forms of filaments, mats, or cloths as recited in instant claim 10.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a FRP product of Brandstrom as suggested by Komori et al because the Komori et al. teach a glass fiber for FRP products.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Tsukamoto et al., U.S. Patent 5,857,494 in view of Komori et al., U.S. Patent 5,407,872.

Tsukamoto et al. teach a pipeline which comprises glass fiber reinforced plastic (FRP) as a rigid layer of the pipe. See Abstract and column 1 lines 19-37 and column 2, lines 56-61.

Tsukamoto et al. teach that the FRP is used as a sewage pipe. See column 1, lines 9-17.

Tsukamoto et al. does not give a specific composition for the glass fibers used in the FRP products.

Komori et al. teach a glass having overlapping ranges of components as listed in claim 6. See Abstract, column 5, lines 3-35. Komori et al teach that the glass fiber can be used as reinforcement in plastics. See column 1, lines 14-17. Komori et al. teach numerous no limiting types of resins that the glass fiber can be coated with such that the fiber is used as a reinforcing agent in the plastic. See column 5, line 53 to column 7, line 8. Komori et al. teach that the reinforcement fiber can be in the forms of filaments, mats, or cloths.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a FRP sewage pipe of Tsukamoto et al. as suggested by Komori et al because the Komori et al. teach a glass fiber for FRP products.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over of Kaneko et al., U.S. Patent Application Publication 2003/0012600 in view of Komori et al., U.S. Patent 5,407,872.

Kaneko et al. teach both sheet molding compounds (SMC) and bulk molding compounds (BMC) which comprises glass fiber reinforced plastic (FRP). See Abstract and paragraphs [0019].

Kaneko et al. does not give a specific composition for the glass fibers used in the FRP products.

Komori et al. teach a glass having overlapping ranges of components as listed in claim 6. See Abstract, column 5, lines 3-35. Komori et al teach that the glass fiber can be used as reinforcement in plastics. See column 1, lines 14-17. Komori et al. teach numerous no limiting types of resins that the glass fiber can be coated with such that the fiber is used as a reinforcing

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agent in the plastic. See column 5, line 53 to column 7, line 8. Komori et al. teach that the reinforcement fiber can be in the forms of filaments, mats, or cloths.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a made the SMC and BMC Kaneko et al. as suggested by Komori et al because the Komori et al. teach a glass fiber for FRP products.

### ***Conclusion***

The additional references cited on the 892 have been cited as art of interest since they are considered to be cumulative to or less than the art relied upon in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH A. BOLDEN whose telephone number is (571)272-1363. The examiner can normally be reached on 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
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EAB  
8 December 2008

/Karl E Group/  
Primary Examiner, Art Unit 1793